

faith.”). “Good faith” means that an issue exists on appeal that is not frivolous under an objective standard. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). An appeal is considered frivolous when it is brought “without arguable merit either in law or fact.” *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

The Court has reviewed Plaintiff’s notice of appeal and the remainder of the record, and concludes that Plaintiff fails to raise a non-frivolous issue on appeal. The Court therefore certifies, pursuant to section 1915(a)(3), that Plaintiff’s appeal is not taken in good faith. Accordingly, Plaintiff’s motion to proceed *in forma pauperis* on appeal is hereby **DENIED**.¹

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$505 appellate filing fee. Because Plaintiff has stated that he cannot pay the fee immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to section 1915(b), the prison account custodian where Plaintiff is confined shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month’s income credited to Plaintiff’s account (to the extent the account balance exceeds \$10) until the \$505 appellate filing fee has been paid in full. Checks should be made payable to “Clerk, U.S. District Court.” The Clerk of Court is **DIRECTED** to send a copy of this Order to the custodian of the prison in which Plaintiff is incarcerated.

Any further requests to proceed *in forma pauperis* on appeal should be directed to

¹ As the Court determines that Plaintiff’s appeal is not taken in good faith, the Court need not consider whether Plaintiff is unable to pre-pay the appellate filing fees.

the United States Court of Appeals for the Eleventh Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

SO ORDERED, this 27th day of October, 2016.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT